



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 10 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Dallas Conrad
Owens Corning Roofing and Asphalt, LLC
EHS Leader
890 West Smith Road
Medina, Ohio 44256

Re: Notice and Finding of Violation
Owens Corning Roofing and Asphalt, LLC
Medina, Ohio

Dear Mr. Conrad:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Owens Corning Roofing and Asphalt, LLC (you) under Section 113(a) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a). We find that you are violating the CAA at your Medina, Ohio facility.

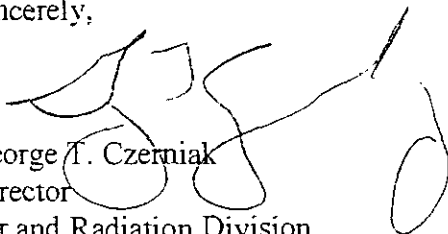
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Alexandra Letuchy. You may call her at (312) 886-6035 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

cc: Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

Sam Rubens, Administrator
Akron Regional Air Quality Management

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Owens Corning Roofing and Asphalt,
LLC
Medina, Ohio**

)
)
) Proceeding Pursuant to the Clean Air
) Act, 42 U.S.C. §§ 7401-7671q
)
)
)

EPA-5-15-OH-11

NOTICE AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency is issuing this Notice and Finding of Violation (NOV/FOV) to Owens Corning Roofing and Asphalt, LLC (Owens Corning or you) to notify you that we have found violations of the Clean Air Act (CAA), 42 U.S.C. §§ 7401-7671q, at the facility located at 890 West Smith Road, Medina, Ohio (Facility). The relevant statutory and regulatory background, factual background, alleged violations, and environmental impact of these violations are set forth in detail below.

This NOV/FOV is issued in accordance with Section 113(a) of the CAA, 42 U.S.C. § 7413(a), which authorize the Administrator to take certain enforcement actions after notifying a "person," as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), that it is in violation of the CAA. The authority to issue this NOV/FOV has been delegated by the Administrator to the Regional Administrator and re-delegated to the Director of the Air and Radiation Division for Region 5 of the EPA.

Relevant Statutory and Regulatory Background

National Emission Standards for Hazardous Air Pollutants

1. Section 112(c) of the CAA, 42 U.S.C. § 7412(c), requires the EPA to promulgate a list of all categories and subcategories of new and existing "major sources" of hazardous air pollutants (HAPs), and establish emissions standards for the categories and subcategories. These emission standards are known as the National Emission Standards for Hazardous Air Pollutants (NESHAP). EPA codified these standards at 40 C.F.R. Parts 61 and 63.
2. 40 C.F.R. Part 63, Subpart A, contains the general provisions for the NESHAP promulgated after 1990.
3. "Stationary source" is defined in the CAA as "any building, structure, facility, or installation, which emits or may emit any air pollutant." 42 U.S.C. § 7411(a)(3).
4. "Hazardous air pollutant" is defined in the CAA as "any air pollutant listed in or pursuant to" Section 112(b) of the CAA. 42 U.S.C. § 7412(a)(6).

5. "Major source" is defined in the CAA as "any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants." 42 U.S.C. 7412(a)(1).
6. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), prohibits any person subject to a NESHAP from operating a source in violation of a NESHAP after its effective date. *See also* 40 C.F.R. § 63.4.

The NESHAP for Asphalt Processing and Asphalt Roofing Manufacturing

7. Pursuant to Section 112 of the CAA, EPA promulgated the NESHAP for Asphalt Processing and Asphalt Roofing Manufacturing at 40 C.F.R. Part 63, Subpart LLLLL, on May 7, 2003 (the Subpart LLLLL NESHAP). 68 Fed. Reg. 24562.
8. Pursuant to 40 C.F.R. § 63.8681(a), the Subpart LLLLL NESHAP applies to asphalt processing facilities and asphalt roofing manufacturing facilities that are a major source of HAP emissions, or are located at, or are part of a major source of HAP emissions.
9. Pursuant to 40 C.F.R. § 63.8683(a), the compliance date for an existing affected source with the Subpart LLLLL NESHAP is May 1, 2006.
10. 40 C.F.R. § 63.8684(a) states that "you must meet each emission limitation in Table 1 of the subpart that applies to you."
11. Pursuant to Table 1.3.b. of the Subpart LLLLL NESHAP, visible emissions, a surrogate for particulate matter (PM) emissions, from the emission capture system (i.e., the hood) for the coater at each existing asphalt roofing manufacturing line must be limited to 20% of any period of consecutive valid observations totaling 60 minutes.
12. 40 C.F.R. § 63.8689(a) states that "you must demonstrate initial compliance with each emission limitation that applies to you according to Table 4 to this subpart."
13. Pursuant to Section 4(a) of Table 4 of the Subpart LLLLL NESHAP, initial compliance with the visible emissions limit at Table 1.3.b. of the Subpart LLLLL NESHAP is demonstrated if the visible emissions, measured using EPA test method 22, for any period of consecutive valid observations totaling 60 minutes during the initial compliance period described in 40 C.F.R. § 63.8686(b) do not exceed 20 percent.

Title V Requirements

14. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, established an operating permit program for major sources of air pollution.
15. In accordance with Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), EPA promulgated regulations establishing the minimum elements of a Title V permit program to be

administered by any air pollution control agency. See 57 Fed. Reg. 32295 (July 21, 1992). Those regulations are codified at 40 C.F.R. Part 70.

16. Section 502(d) of the Act, 42 U.S.C. § 7661a(d), provides that each state must submit to EPA a permit program meeting the requirements of Title V.
17. On August 15, 1995, EPA approved the State of Ohio operating permit program with an effective date of October 1, 1995. See 40 C.F.R. Part 70, Appendix A.
18. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
19. 40 C.F.R. § 70.6(b)(1) provides that all terms and conditions in a Title V permit are enforceable by EPA.

The 2013 Title V Permit

20. Ohio EPA issued an Administrative Permit Modification Part 70 Operating Permit, No. P0115546 effective November 4, 2013 (the 2013 Title V Permit) to the Facility on November 4, 2013.
21. Part C.8.(b)(1)c. of the 2013 Title V Permit states that Asphalt Coater/Surge Tank #1 (P906) and Asphalt Coater/Surge Tank #2 (P908) shall be adequately enclosed and vented to a fiber bed filter. See OAC Rule 3745-17-08 (EPA approved OAC Rule 3745-17-08 as part of the Ohio State Implementation Plan on Oct. 26, 2010, 75 Fed. Reg. 65567).

Relevant Factual Background

22. Owens Corning owns and operates an asphalt processing and asphalt roofing manufacturing facility located at 890 West Smith Road, Medina, Ohio (the Facility).
23. Owens Corning is a "major source" of hazardous air pollutants and subject to the existing source requirements of the Subpart LLLLLL NESHAP. Subpart LLLLLL established PM emission limits that are surrogates from total organic HAP which includes formaldehyde, hexane, phenol, polycyclic organic matter (POM), and toluene.
24. On April 9, 2013, EPA conducted an inspection at the Facility.
25. On October 18, 2013, EPA issued an information request to Owens Corning pursuant to Section 114 of the Act, 42 U.S.C. § 7414 (Section 114 Information Request).
26. Owens Corning submitted responses to the Section 114 Information Request on December 30, 2013.

27. On April 10, 2014, EPA sent a Notice of Violation / Finding of Violation (NOV/FOV) to Owens Corning.
28. On May 8, 2014, and September 10, 2014, EPA met with Owens Corning to discuss allegations in the NOV/FOV. Owens Corning submitted additional information to EPA following these meetings.
29. Following the May 8, 2014 meeting, Owens Corning provided EPA with the performance test it used to demonstrate initial compliance with the Subpart LLLLL NESHAP (2006 Owens Corning Medina Roofing Plant Test Report).
30. The 2006 Owens Corning Medina Roofing Plant Test Report did not include visible emission readings from the emission capture system for coaters P906 and P908 to demonstrate initial compliance with the visible emissions limit at Table 1.3.b. of the Subpart LLLLL NESHAP.
31. Following the September 10, 2014 meeting, Owens Corning provided Weekly Visible Emissions Inspection Records (VE Inspection Records) from March 31, 2014, to September 24, 2014.
32. The VE Inspection Records showed that continuous visible emissions were present during every inspection from March 31, 2014, to September 24, 2014 from the emission capture system for P906 coater (lam line coater fiber fume system).
33. The VE Inspection Records showed that continuous visible emissions were present during every inspection from March 31, 2014, to September 24, 2014 from the emission capture system for P908 coater (4 wide coater/surge tank fiber bed filter).

Finding of Violations

34. By failing to demonstrate initial compliance with the visible emission limit at Table 1.3.b. of the Subpart LLLLL NESHAP, Owens Corning has violated initial compliance demonstration requirements at 40 C.F.R. § 63.8689(a).
35. As evidenced by the VE Checklists, Owens Corning has violated the emissions limit requirements at 40 C.F.R. § 63.8684(a).
36. As evidenced by the VE Checklists, Owens Corning has violated the adequate enclosure requirements at Part C.8.b)(1)c. of the 2013 Title V Permit.

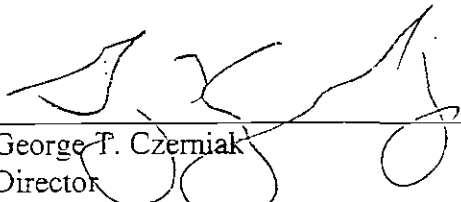
Environmental Impact of Violations

37. The violations cited above have resulted in elevated emissions of PM and HAPs, including formaldehyde, hexane, phenol, polycyclic organic matter (POM), and toluene.

38. PM contains microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. PM exposure contributes to: irritation of the airways; coughing; difficulty breathing; decreased lung function; aggravated asthma; chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease.
39. The HAPs listed above cause adverse health effects include both chronic health disorders (e.g., irritation of the lung, skin, and mucous membranes; effects on the central nervous system; and damage to the blood and liver) and acute health disorders (e.g., respiratory irritation and central nervous system effects such as drowsiness, headache, and nausea). The EPA has classified two of the HAP (formaldehyde and POM) as probable human carcinogens.

Date

3/10/15


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-15-OH-11, by Certified Mail, Return Receipt Requested, to:

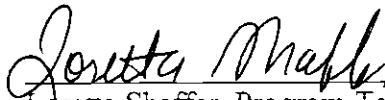
Mr. Dallas Conrad
Owens Corning Roofing and Asphalt, LLC
EHS Leader
890 West Smith Road
Medina, Ohio 44256

I also certify that I sent copies of the Notice and Finding of Violation by first-class mail to:

Sam Rubens
Akron Regional Air Quality Management
146 S High St
Suite 904
Akron, OH 44308

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
PO Box 1049
Columbus, Ohio 43216

On the 11 day of March 2015.



Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 1327